

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CHIQUITA SMITH, *Individually, and
on behalf of herself and other similarly
situated current and former employees,*

Plaintiff,

v.

NO. 1:22-cv-00094-TBM-RPM

**CARE4ALL CAREGIVERS, LLC and
Sandi Ann Seymour-Necaise**

Defendants.

**ORDER ON JOINT MOTION FOR APPROVAL OF FLSA SECTION 216(B) “NOTICE
AND CONSENT TO JOIN” FORMS**

Pursuant to the parties’ Joint Motion, the Court enters the following Order. It is hereby
ORDERED that:

1. Plaintiff’s counsel is authorized to serve the Notice and Consent to Join forms attached as *Exhibit A* to the Parties’ Join Motion [ECF No. 12] to all individuals who received caregiving assignments from Care4all Caregivers, LLC (“Care4all”) and Sandi Ann Seymour-Necaise during the last three (3) years from April 20, 2022, plus any individual who performed work after April 20, 2022 and up to the expiration of the opt-in period
2. Within fourteen (14) days of the entry of this Order, Defendants shall provide Plaintiff’s counsel with the names, phone numbers, and last known addresses for all putative class members in a computer-readable Excel file.

3. Within fourteen (14) days after receiving the information set forth in Paragraph 2, Plaintiff's counsel shall mail all putative class members the approved Notice and Consent to Join forms, attached as *Exhibit A* to the Parties' Joint Motion.
4. Plaintiff's counsel shall mail the approved Notice and Consent to Join forms to the putative class along with a pre-paid return envelope addressed to Plaintiff's counsel's office. Plaintiff's counsel shall file a Notice of Mailing within three (3) business days after the mailing to inform Defense counsel and the Court that the opt-in period has begun.
5. Defendants will make it best efforts to ensure that all addresses for their current caregivers are current when the addresses are provided to Plaintiff's counsel.
6. The Court will deem all Consents to Join "filed" on the date Plaintiff's counsel files them electronically in the ECF docket in this cause.
7. The opt-in period for any individual who consents to join this lawsuit shall expire forty-five (45) days after Plaintiff's counsel mails the Notice and Consent to Join forms.
8. Any consent forms received by Plaintiff's counsel after the forty-five (45) opt-in period shall be collected and filed, and Defendants' objections to the timely filing of such opt-ins are specifically reserved.
9. The Court will determine the applicable statute of limitations in this case at a later date upon briefing by the parties after appropriate discovery.
10. Defendants retain any and all objections and defenses, including all objections to a three-year statute of limitations period and the right to seek decertification at the close of discovery.
11. The Parties shall consult and submit a Revised Proposed Scheduling Order to the Magistrate Judge within thirty (30) days after the expiration of the opt-in period.

IT IS SO ORDERED this 18th day of October, 2022.

A handwritten signature in blue ink, appearing to read "Taylor B. McNeel", is written over a horizontal line.

TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE